

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG

SCOTT BRODE,

Plaintiff,

v.

CIVIL NO. 1:20-CV-253
(KLEEH)

MON HEALTH CARE, INC.,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 86]
AND DISMISSING AS MOOT PLAINTIFF'S MOTION FOR
CIVIL CONTEMPT AGAINST STEVE CARTER [ECF NO. 56]

Pursuant to 28 U.S.C. § 636 and the local rules, the Court referred Plaintiff's Motion for Civil Contempt Against Steve Carter [ECF No. 56] to United States Magistrate Judge Michael J. Aloï (the "Magistrate Judge") for issuance of a Report and Recommendation ("R&R"). On December 21, 2021, the Magistrate Judge entered an R&R recommending that the Motion be dismissed as moot [ECF No. 86].

The R&R also informed the parties that they had fourteen (14) days from the date of service of the R&R to file "specific written objections, identifying the portions of the Report and Recommendation to which objection is made, and the basis of such objection." It further warned them that the "[f]ailure to timely file objections . . . will result in waiver of the right to appeal from a judgment of this Court based upon such Report and

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Recommendation." To date, no objections have been filed.

When reviewing a magistrate judge's R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, "the Court may adopt, without explanation, any of the magistrate judge's recommendations" to which there are no objections. Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. Upon careful review, and finding no clear error, the Court **ADOPTS** the R&R [ECF No. 86]. Plaintiff's Motion for Civil Contempt Against Steve Carter is **DISMISSED AS MOOT** [ECF No. 56].

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record.

DATED: May 31, 2022

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A handwritten signature in black ink, appearing to read "Tom S. Klee".

THOMAS S. KLEE, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA